

110TH CONGRESS
1ST SESSION

S. 1341

To provide for the exchange of certain Bureau of Land Management land
in Pima County, Arizona, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 9, 2007

Mr. KYL (for himself and Mr. MCCAIN) introduced the following bill; which
was read twice and referred to the Committee on Energy and Natural
Resources

A BILL

To provide for the exchange of certain Bureau of Land
Management land in Pima County, Arizona, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Las Cienegas En-
5 hancement and Saguaro National Park Boundary Adjust-
6 ment Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1 (1) CONSERVATION AREA.—The term “Con-
2 servation Area” means the Las Cienegas National
3 Conservation Area.

4 (2) COUNTY.—The term “County” means Pima
5 County, Arizona.

6 (3) FEDERAL LAND.—The term “Federal land”
7 means the Sahuarita parcel of land, as generally de-
8 picted on the map entitled “Las Cienegas Enhance-
9 ment Act—Federal Land” and dated April 17,
10 2007.

11 (4) LANDOWNER.—The term “landowner”
12 means Las Cienegas Conservation, LLC.

13 (5) NON-FEDERAL LAND.—The term “non-Fed-
14 eral land” means—

15 (A) the Empirita-Simonson parcel of land
16 consisting of approximately 2,392 acres, as gen-
17 erally depicted on the map entitled “Las
18 Cienegas Enhancement Act—Non-Federal
19 Land” and dated April 17, 2007; and

20 (B) the Bloom parcel of land consisting of
21 approximately 160 acres, as generally depicted
22 on the map entitled “Saguaro National Park,
23 Bloom Tract” and dated April 17, 2007.

24 (6) PARK.—The term “Park” means Saguaro
25 National Park.

1 (7) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (8) WELL SITE.—The term “well site” means a
4 well site that consists of approximately 98 acres of
5 land, as generally depicted on the map entitled “Las
6 Cienegas Enhancement Act—Non-Federal Land”
7 and dated April 17, 2007.

8 **SEC. 3. LAND EXCHANGE.**

9 (a) IN GENERAL.—If the landowner offers to convey
10 to the Secretary title to the non-Federal land that is ac-
11 ceptable to the Secretary, the Secretary shall—

12 (1) accept the offer; and

13 (2) simultaneously convey to the landowner all
14 right, title, and interest of the United States in and
15 to the Federal land.

16 (b) VALUATION, APPRAISALS, AND EQUALIZATION.—

17 (1) IN GENERAL.—As of the date of enactment
18 of this Act, the value of the Federal land and the
19 non-Federal land—

20 (A) shall be equal, as determined by ap-
21 praisals conducted in accordance with para-
22 graph (2); or

23 (B) if not equal, shall be equalized in ac-
24 cordance with paragraph (3).

25 (2) APPRAISALS.—

1 (A) IN GENERAL.—The Federal land and
2 the non-Federal land shall be appraised by an
3 independent, qualified appraiser that is agreed
4 to by the Secretary and the landowner.

5 (B) REQUIREMENTS.—An appraisal under
6 subparagraph (A) shall—

7 (i) be conducted in accordance with—

8 (I) the Uniform Appraisal Stand-
9 ards for Federal Land Acquisition;
10 and

11 (II) the Uniform Standards of
12 Professional Appraisal Practice; and

13 (ii) not later than 180 days after the
14 date of enactment of this Act, be sub-
15 mitted to the Secretary and the landowner
16 for approval.

17 (3) EQUALIZATION.—

18 (A) IN GENERAL.—If the value of the Fed-
19 eral land and the non-Federal land is not equal,
20 the value may be equalized by—

21 (i) the Secretary by making a cash
22 equalization payment to the landowner;

23 (ii) the landowner by making a cash
24 equalization payment to the Secretary; or

1 (iii) reducing the acreage of the Fed-
2 eral land or the non-Federal land to be ex-
3 changed, as appropriate.

4 (B) AMOUNT OF PAYMENT.—Notwith-
5 standing section 206(b) of the Federal Land
6 Policy and Management Act of 1976 (43 U.S.C.
7 1716(b)), the Secretary may accept a cash
8 equalization payment under subparagraph
9 (A)(ii) in an amount that exceeds 25 percent of
10 the value of the Federal land.

11 (C) CASH EQUALIZATION PAYMENTS.—

12 (i) DISPOSITION.—Any cash equali-
13 zation payments received by the Secretary
14 under subparagraph (A)(ii) shall be depos-
15 ited in the Federal Land Disposal Account
16 established by section 206(a) of the Fed-
17 eral Land Transaction Facilitation Act (43
18 U.S.C. 2305(a)).

19 (ii) USE.—Amounts deposited under
20 clause (i) shall be available to the Sec-
21 retary, without further appropriation and
22 until expended, for the acquisition of land
23 and interests in land in southern Arizona.

24 (c) CONDITIONS OF CONVEYANCE.—

1 (1) IN GENERAL.—As a condition of the con-
 2 veyance of the Federal land to the landowner, the
 3 landowner shall—

4 (A) pay the costs of carrying out the ex-
 5 change of the Federal land and the non-Federal
 6 land under this section, including any direct
 7 costs relating to any environmental reviews and
 8 any required mitigation of the Federal land;

9 (B) enter into an agreement with the
 10 County to convey to the County the well site;
 11 and

12 (C) relinquish to the County any water
 13 rights to the well site held by the landowner.

14 (2) VALID EXISTING RIGHTS.—The exchange of
 15 Federal land and non-Federal land shall be subject
 16 to any easements, rights-of-way, and other valid en-
 17 cumbrances in existence on the date of enactment of
 18 this Act.

19 (d) LEGAL DESCRIPTIONS.—The Secretary and the
 20 landowner may mutually agree to—

21 (1) correct minor errors in the legal descrip-
 22 tions of the Federal land and the non-Federal land;
 23 or

24 (2) make minor adjustments to the boundaries
 25 of the Federal land and the non-Federal land.

1 (e) DEADLINE FOR COMPLETION OF EXCHANGE.—

2 It is the intent of Congress that the land exchange under
3 this section shall be completed—

4 (1) not later than 1 year after the date of en-
5 actment of this Act; or

6 (2) if there is a dispute with respect to the ap-
7 praisal, not later than 90 days after the date on
8 which the dispute is resolved.

9 **SEC. 4. ADMINISTRATION.**

10 (a) ADMINISTRATION OF LAND ACQUIRED BY THE
11 UNITED STATES.—

12 (1) EMPIRITA-SIMONSON PARCEL.—On acquisi-
13 tion by the Secretary, the parcel of non-Federal land
14 described in section 2(5)(A) shall—

15 (A) become part of the Conservation Area;

16 and

17 (B) be administered by the Secretary in
18 accordance with Public Law 106–538 (16
19 U.S.C. 460~~ooo~~ et seq.).

20 (2) BLOOM PARCEL.—On acquisition by the
21 Secretary, the parcel of non-Federal land described
22 in section 2(5)(B) shall—

23 (A) become part of the Park; and

24 (B) be administered by the Secretary in
25 accordance with the Saguaro National Park Es-

1 tablishment Act of 1994 (16 U.S.C. 410zz et
2 seq.).

3 (b) NATIONAL CONSERVATION AREA BOUNDARY AD-
4 JUSTMENT.—The boundary of the Conservation Area is
5 modified to exclude the 40-acre tract of Bureau of Land
6 Management that is leased to the town of Elgin, Arizona,
7 for a sanitary landfill.

8 (c) ROAD ACCESS.—Not later than 18 months after
9 the date on which the non-Federal land is acquired by the
10 Secretary, the Secretary shall, in accordance with section
11 507 of the Federal Land Policy and Management Act of
12 1976 (43 U.S.C. 1767), provide to the Secretary of Agri-
13 culture a right-of-way through the non-Federal land for
14 motorized public road access to the boundary of the Coro-
15 nado National Forest.

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